IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

FRIDAY, THE 17TH NOVEMBER 2006 / 26TH KARTHIKA 1928

WP(C).No. 30349 of 2006(K)

PETITIONER:

T.U.CHERIYAN, AGED 62 YEARS,
S/O. LATE ULAHANNAN, THERUVATH HOUSE,
UZHAVOOR P.O., KOTTAYAM DISTRICT.

BY ADV. SRI.C.C.THOMAS

RESPONDENTS:

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1. THE ASST. EXCISE COMMISSIONER,
THIRUVANANTHAPURAM.

2. THE DISTRICT COLLECTOR,
KOTTAYAM.

3. THE TAHSILDAR (R.R.),
PALA, KOTTAYAM DISTRICT.

4. SRI. DEVASSIA JOSEPH, S/O. DEVASSIA,
MANNACKANATTUKARAYIL, EZHAKUNNEL,
KURAVILANGADU, KOTTAYAM DISTRICT.

5. SRI. SALIM MATHEW, S/O. MATHEW,
AMBAKKATHU HOUSE, VADAKARA, KOOTHATTUKULAM.

6. SRI. JOY THOMAS, S/O. M.A.THOMAS,
CHITHIRA, KOZHA P.O., KURAVILANGADU,
KOTTAYAM DISTRICT.

7. P.J.MATHEW, S/O. JOSEPH,
PERUMBEL, AREEKKARA, KOTTAYAM DISTRICT.

8. THE BRANCH MANAGER,
STATE BANK OF INDIA, SHANMUGHAM ROAD, COCHIN.

BY G.P. SRI.I.V.PRAMOD

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 17/11/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

C.N. RAMACHANDRAN NAIR, J.

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**W.P. (C) No. 30349 OF 2006 K**

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Dated this the 17th day of November, 2006

J U D G M E N T

The prayer is only for instalment facility to clear the kist arrears and other dues for which revenue recovery proceedings are initiated against the petitioner.

In the circumstances, writ petition is disposed of directing petitioner to deposit Rs.2 lakhs on or before the date of sale and if Rs.2 lakhs is paid, then the 3rd respondent will keep the revenue recovery proceedings in abeyance for clearing the balance arrears in equal monthly instalments of Rs.50,000/- each. The first instalment will be paid on or before 30.12.06 and balance on or before last day of every succeeding months until arrears are cleared. If the petitioner commits default in any instalment, the instalment facility will stand automatically cancelled. The counsel for the 8th respondent submitted that bank has charge over the property and, therefore, bank is entitled to know the details of recovery proceedings. There will be a direction to the 3rd respondent to furnish details of payment to the 8th respondent bank.

(C.N. RAMACHANDRAN NAIR, JUDGE)

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